
**REGIONAL HOUSING NEEDS ASSESSMENT APPEALS BOARD
and
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

**April 30, 2007
Minutes**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL HOUSING NEEDS ASSESSMENT APPEALS BOARD. AN AUDIOCASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING AT SCAG'S DOWNTOWN LOS ANGELES OFFICE.

The Regional Housing Needs Assessment Appeals Board ("Board") held its meeting at SCAG's Riverside office.

Members Present

Hon. Jon Edney (**Chair**) – Imperial County
Hon. Paul Nowatka – Los Angeles County
Hon. Gil Coerper – Orange County
Hon. Carl Morehouse – Ventura County
Hon. Charles White – Riverside County
Hon. Tim Jasper – San Bernardino County

Alternate Members Present

Hon. Christine Barnes – Orange County
Hon. Larry McCallon – San Bernardino County

Members and Alternates Not Present

Hon. Mike Ten – Los Angeles County (Alternate)
Hon. Melanie Fesmire – Riverside County (Alternate)

1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE

Hon. Jon Edney, Chair, called the hearing to order at 9:05 A.M. The Hon. Carl Morehouse led the Board in the Pledge of Allegiance. Hon. Edney outlined the hearing guidelines and stated that there was a 30 minute timeline for an appeal or revision, each jurisdiction is allowed a 10 minute presentation, followed by a 5 minute staff report, a 5 minute rebuttal per jurisdiction, and 10 minutes for public comment. The Chair and/or Board reserve the right to request that staff waive their verbal report given that the written report is included as part of the agenda packet. Hon. Edney also indicated that as of the April 5th meeting, a new policy was passed which allowed for jurisdictions to provide new information as long as it included a one paragraph summary of the information and another policy was passed prohibiting power point presentations.

2.0 PUBLIC COMMENT PERIOD

There were no public comments.

3.0 REVIEW AND PRIORITIZE AGENDA ITEMS

Hon. Edney reprioritized the agenda to include the City of La Cañada Flintridge, the City of Santa Clarita, and to accommodate jurisdiction schedules.

4.0 INFORMATION ITEMS

There was no information item presented.

5.0 ACTION ITEMS

5.1 Consideration of Revision Requests

5.1.1 City of San Dimas

Revision request to reduce draft RHNA allocation by 92% (1,581 units)

Larry Stevens, City of San Dimas, stated that the City has had several meetings with SCAG staff over the past several months and is trying to understand where the assigned numbers came from and what parameters and assumptions went into those numbers. The City participated in the San Gabriel Valley Workshop in 2006. This workshop included growth projections which were consistent with the community in terms of land availability. The City is built out in the vicinity of ninety-five to ninety-six percent and has very little land left for any type of development. Over the last six years, the City has issued approximately 95 residential building permits and is not in a position to sustain significant growth. The City met with SCAG staff and reduced the allocation to 1,700. Mr. Stevens stated that the reduction still seemed outrageous and that there was no way the growth could be sustained. The City put together a very extensive appeal looking at every parcel and provided aerial photographs, zoning, and open space designation within a developed home owner's association area. Although Mr. Steven's appreciates the reduced recommendation to 620 he stated that the reduction should be more consistent to that of the San Gabriel Valley Council of Governments to 124 and believes that this is an appropriate number based upon opportunities for growth and development within the community.

Staff Report

Mark Butala, SCAG, reported that the City did in fact provide extensive documentation for review and also participated in two meetings. At the October 31st workshop a reduction was granted from 3,709 units to 1,724 as their draft allocation. After the release of the draft, SCAG received additional input from the City which cited the following three factors: (1) water and poor infrastructure constraints, (2) availability of land suitable for development, and (3) lands preserved or protected from urban development under existing state programs. The City stated that they have 92 parcels covering approximately 635 acres that are unsuitable for development because they are too far from the existing infrastructure to be economically feasible for development, however, according to the AB 2158 Factor, the city must provide documentation showing that there are

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federal or state laws, regulations, or official supply and distribution decisions to grant a revision based on this factor. This supporting documentation has not been received from the City.

The third factor presented for revision is lands preserved or protected from urban development under existing federal or state programs. The City focused on approximately 300 acres of Homeowners Association (HOA) open space. This factor can not be considered under state law and was acknowledged in our original allocation. The second factor is availability of available land. Regarding this factor the City does have significant issues and constraints related to steep slopes. The City has provided extensive documentation which has been reviewed and our allocation. The city states that they have 130 unconstrained acres available for development however they have a zoning regulation of one unit per acre. State law requires that they look at alternate zoning considerations. Based on this factor SCAG staff conducted its own analysis and estimated that if they can accommodate approximately four units per acre and are able to find 100 units worth of infill opportunities in the city, they can accommodate approximately 620 units. SCAG staff recommends a 64% reduction from their original allocation of 1,724 units.

Rebuttal

Mr. Stevens commented that the difficulty is in finding where the 130 unconstrained acres are that are available for development. The City has attempted to obtain the information and conducted its own reanalysis of the data that was submitted to SCAG and tried not to consider zoning in their analysis. Mr. Stevens stated that there are 11.15 acres that are fully unconstrained and that there are 91.25 acres that are partially unconstrained. He does not believe that there are 130 acres and does not believe that each and every parcel is suitable for 4 units per acre. Mr. Stevens requested that the Board reconsider staff's recommendation and accept their appeal.

Public Comment

There were no public comments.

A **MOTION** was made by the Hon. Timothy Jasper to accept staff's recommendation for a partial approval of the revision request and to accept the withdrawal of the City of San Dimas' appeal. The **MOTION** was **SECONDED** by the Hon. Gil Coerper and **UNANIMOUSLY APPROVED**. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.3 City of San Dimas

Appeal request to reduce draft RHNA allocation by 92% (1,581 units).

The City of San Dimas withdrew their appeal request.

5.1.2 City of Calimesa

Revision request seeking a reduction in the income category distribution to reduce their fair share of affordable housing.

David Lane, City of Calimesa, presented members with a brief introduction on the City of Calimesa. Mr. Lane stated that Calimesa is a small town with 7,400 people and is known for the preservation of wildlife habitat and for having more mobile homes in the region next to the City of Yucaipa. Calimesa has one mobile home for every six-and-a-half residents. The City has approved 5,000 housing units which will dramatically change the demographics of the city. The City has no housing department as well as no housing unit within their community development department. Mr. Lane also stated that the City did not attend the October workshop and has not had any discussions with SCAG staff.

Al Warot, Consultant for the City of Calimesa, addressed the Board stating that Calimesa is not requesting an appeal of the total allocation, in fact, the development community is indicating that 400 units per year is realistic given their land base. The City is requesting to have 429 lower income units reallocated to the above moderate income category based on what they feel is an underestimation of the number of very low and low income units that currently exist within the City. Mr. Warot indicated that the process was initiated using the revised population estimates provided by the State Department of Finance (DOF) whose estimates may be faulty. In reviewing the 1998 figures, Mr. Warot stated that the City ranged from 1167 very low, 566 low, 248 moderate, and 1,067 above moderate units. The current baselines by which the RHNA numbers are assigned for Calimesa reflect a decrease of approximately 400 units for the very low income category. The City believes that this was faulty information upon which SCAG may have based the RHNA numbers for the City. Over the last 10 years, the City has had poultry development and had 133 units constructed over this period. Based on State Department of Finance estimates they show almost all of these units as being mobile homes. When we look at the overall housing stock, 33% of the total housing stock is shown as mobile homes. This high percentage of mobile homes contributes to a large lower income population existing within the city.

Mr. Warot also added that thirty-seven percent of the City's population is within the 55 and over range representing twenty percent of the population within the County of Riverside. This is a reflection of the City's elderly population which lives on fixed incomes and contributes to a large percentage of lower income households including the working poor.

Hon. Jon Edney stated that Mr. Warot's presentation was based on methodology and reminded the Board that per the revision policy the

Board is not allowed to address revisions based on methodology. Hon. Edney stated that the City may have merit under the appeals process.

Staff Report

Pria Hidisyan, SCAG, reported that the City of Calimesa's revision request does not propose any change to the city's total allocation rather it proposes a 48% reduction in the City's income category distribution for low and very low income units. The City uses for its revision request three AB 2158 Factors; (1) existing or projected job-housing balance, (2) lack of capacity for sewer or water service, and (3) availability of land suitable for urban development. Ms. Hidisyan recommends that the Board deny the request based on the fact that the allocation of housing needs by income category was uniformly applied based on the adopted RHNA methodology and changing these income distributions is not appropriate based on the AB 2158 Factors. Regarding the existing or projected housing balance, the City provided an estimate of 0.63 jobs for each housing unit in 2006. When reviewing the 2014 projections it is forecasted that they will have 0.74 jobs per housing unit. This indicates improvement in the City's jobs/housing balance.

Regarding to the second factor, lack of capacity for sewer or water service, Ms. Hidisyan stated that there was no supporting documentation indicating that the City would be unable to provide sewer or water service due to federal or state laws, regulations or regulatory actions or any official decisions of a sewer and water service provider relating to capacity.

Ms. Hidisyan went on to discuss the third factor cited, availability of land, the City provided information that they are developing several underutilized parcels in the central portion of their City and expect this intensification of use to continue. Therefore, this fact did not have any basis for revision.

The **MOTION** was made by the Hon. Paul Nowatka to accept staff's report and deny the City of Calimesa's revision request. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.1.3 City of Ontario

Revision request to reduce draft RHNA allocation by 62% (8,763 units)

Cathy Wahlstrom, City of Ontario, began by stating that the City was in a unique situation in that it has much potential development that will be

occurring within the next twenty to twenty-five years but also has several constraints related to AB 2158 Factors. Most importantly, constraints related to Williamson Act contracts that remain active. The City has 8,200 acres that were annexed into the City about eight years ago. Many of these properties are dairy farms that have ten year term contracts which are automatically renewed unless they are cancelled or non-renewed. Currently, the city has about 2,100 acres that will be under Williamson Act contracts during the planning period and the City does not have control over contract non-renewal. Ms. Wahlstrom added that both Ontario and SCAG staff agreed that there were a number of contracts that would be coming to term early in the planning period and posed no development constraints, this was for a total of 194 units. These units are not reflected in the City's request for revision.

Furthermore, Ms. Wahlstrom stated that there are additional categories in which the City would be impacted in terms of developing these properties. Between 2012 and 2014 the City has had a total of 2,262 potential units that could be built but are under Williamson Act contracts. There are 6,501 units that could be built but the Williamson Act contracts will be active through 2014. The units reflected in the 2012 and 2014 time period include one hundred and fifty to two hundred acres that reflect about 1,500 units that are not able to be developed until the end of the planning period. Therefore the City would have limited time to work towards entitlements on those properties. The City does agree with the 6,501 allocation but requests the Board's consideration of the additional 1,500 units.

Hon. Edney requested that the staff report be waived for this item.

MOTION was made by the Hon. Gil Coerper to accept staffs recommendation and partially approve the revision request of 6,501 unit reduction for the City of Ontario. The **MOTION** was **SECONDED** by the Hon. Carl Morehouse. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.1.4 City of Big Bear Lake

Revision request to reduce draft RHNA allocation by 78% (383 units)

Sandra Molina, City of Big Bear Lake, provided members with an overview of the City. There is a permanent population of 6,000 people and the City has a large second home ownership contingency in the community. Historically the City also has low growth throughout the year

and according to SANBAG projections between the years of 2008 through 2014 we expect to have a growth of approximately 264 people. The city bases its revision request on AB 2158 factors with the first one having to do with water supply. The City is currently served by the Department of Water and Power (DWP) which is under our charter and is an autonomous Board.

Ms. Molina also mentioned that the DWP serves the City and a number of unincorporated communities within the county including Fawnskin, Erwin Lake, Lake Williams, and Sugarloaf. The City's sole source of water supply is through ground water or local ground water tables and has been suffering through drought conditions leading to a reduction in water use. This has led the DWP to set water limitations on new water meter connections. Originally the DWP issued 180 connections 180 then reduced issuance to 160 and have remained at 160 per year for the entire service area. Ms. Molina added that per the staff report SCAG staff indicated that they do not agree with the City's contention that the DWP is a separate autonomous Board introduced Mr. Ballinger with the City to discuss this item in greater detail.

Jeff Ballinger, City of Big Bear Lake, also addressed the Board and stated that he would answer questions regarding the DWP. He mentioned that in reading the staff report he believed that there may be a misunderstanding on the part of staff. He further mentioned that the City's DWP is modeled similarly to that of the City of Los Angeles DWP as both are charter cities and as such they have more authority to set up different and more unique structures of government which the City of Big Bear Lake did when it was incorporated in the early 1980's. The City set-up the DWP as a semi-autonomous Board and is much different than cities that have planning commissions or other subordinate bodies where the city council is able to remove their commissioners. The DWP in contrast is run by a Board that is appointed by the Council, although the Board members can only be removed for a cause and not simply just because the Council dislikes their policy to water and power issues. This is why the City of Big Bear Lake believes that it is really being affected by a governmental agency other than the City itself. The department maintains its own fund and acquires property, disposes of property, and makes all of the decisions in regards to water supply in the City as though it was a separate legal entity.

Ms. Molina added that there are approximately three maps within the unincorporated area served by the DWP and those three maps propose over three-hundred units. There is a significant amount of growth within the county area that would impact the allocation which is not prioritized in any fashion and is on a first come first served basis. The City also feels that there is a concern with respect to the job and housing balance because the City is a mountain resort community it has a low population growth and while there are some employment opportunities they are limited. The provision of 491 additional units within the City will compel residents to

commute down the mountain to seek employment creating an imbalance with respect to job and housing. The report does discuss that the seasonal vacant units were removed from the analysis with respect to the allocation that the City was given. However, Ms. Molina mentioned that it does not address the job and housing balance and the limited employment opportunities within the City. The 491 units over this planning period roughly equates to over a thousand residents which is not consistent with the projected growth projections by SANBAG. There should be some consideration with respect to job and housing balance, stated Ms. Molina. With respect to market demand we there is an 8.5% vacancy rate within the City and with respect to housing supply it has been found that about 70% of the City's housing stock is primarily second home ownership. Ms. Molina added that by using a future vacancy rate of 3.5% this vacancy rate does not consider the City's local factors and to use this rate to determine its allocation results in a higher RHNA number. In summary, based on AB 2158 Factors, the City requests that the appeals Board consider this information and as well as a revision to the allocation and reduce the allocation to 108 units.

Staff Report

Ma'Ayn Johnson, SCAG, recommends that the Board deny the request of reduction for the City of Big Bear Lake from 491 units to 108 units which will be a 78% reduction in their RHNA draft allocation. Ms. Johnson stated that the City alleges that their water capacity is about 160 new meter connections per year however over the 8 ½ years for the RHNA cycle the City is only allocating 58 units per year which is well in the 160 new meter connections limited capacity of the city. Regarding the job-housing balance, Ms. Johnson mentioned that the households counted in the city are only of occupied housing units. The SCAG methodology does not include second homes or vacation homes. Furthermore, on page 156 in their appeals application, staff has attached the San Bernardino County 2410 Dwelling Unit Growth for RHNA process which is submitted by SANBAG and approved to be used in the projected growth and RHNA allocation for each city within SANBAG. Moreover on the market demand for housing, the City alleges that they have a high vacancy rate, however, the regional council has approved a 3.5 vacancy rate to be applied to future housing stock rather than current housing stock.

Rebuttal

Ms. Molina stressed that even though the allocation would be 58 units per year with respect to the water meter allocation. There is no priority within the DWP with respect to which service area would receive those allocations. For review purposes, Ms. Molina provided the Board with copies of a map illustrating the service areas for the DWP.

Public Comment

There were no public comments.

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Hon. Edney requested that legal counsel; Mr. Marguiles address the water issue, under government code, if it has to be a jurisdiction from a state or federal government. Mr. Ballinger added that the DWP was set up by the charter which was then approved by voters of the City. Mr. Marguiles stated that the key issue is whether the sewer or water service provider other than the local jurisdiction precludes the jurisdiction from providing infrastructure. This leads to two questions one is, beyond the separateness, are they precluding. The second question is if they separate or not? Mr. Marguiles mentioned that the issue would be within the Board's discretion to decide.

After further discussion, Ms. Molina stated that there is no priority within the service area of the DWP as to which where the allocation goes. Mr. Ballinger added that the key point is that the DWP serves areas outside of the city. Therefore, the 160 connections need to be allocated throughout the DWP area which includes areas outside of the city. Additionally, the 160 connections include commercial and other non-residence connections and have to be allocated to other uses other than residential alone.

Hon. Jasper commented that in the 8 ½ year planning period the City can issue 1,360 meters. Mr. Morehouse reminded the Board that the item required a determination and staff had already discussed on numerous occasions the methodology factors needed to come up with every jurisdictions needs for planning purposes.

After further discussion, a **MOTION** was made by the Hon. Gil Coerper to accept staffs recommendation to deny the revision request for the City of Big Bear Lake. The **MOTION** was **SECONDED** by the Hon. Tim Jasper. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2 **OPEN PUBLIC HEARING:**
Consideration of Appeal Requests

There was no public comment.

5.2.1 **City of Calimesa**

Appeal request seeking an adjustment to the City's income category distribution to reduce their fair share of affordable housing.

Dave Lane, City of Calimesa, stated that there was nothing else to add aside from what was discussed in the revision request.

Hon. Edney provided Mr. Lane with an opportunity to briefly cite his concerns regarding the application of the methodology.

Al Warot, consultant for the City of Calimesa, stated that the baseline information that was utilized within the methodology is faulty. He continued to state that there is a substantial underestimation of the existing lower income population and as a result when the projected new housing units, are applied by income category this results in a disproportionate share of lower income housing being allocated to the city of Calimesa. Mr. Warot added that this was the basis of the appeal.

Staff Report

Pria Hidisyan, SCAG, reported that the City was not asking for a total reallocation of total housing units but rather a 48% reduction in the City's income category distribution for the low and very low income categories. The appeal cites all three basis of the RHNA methodology, AB 2158 Factors and Changed Circumstances. Staff was unable to find any Changed Circumstances cited by the City in their documentation or in their application. Therefore, focus will be made on the methodology.

Ms. Hidisyan recommended denial of the appeal given the SCAG did not fail to determine the City's share of regional housing needs in accordance with the adopted allocation methodology. The allocation of housing needs by income category was uniformly applied based on the RHNA allocation methodology to Calimesa as it was to all cities. Specifically, the City contends that staff used a faulty baseline number for the low and very low income categories and although the numbers may be different from the 1999 estimates that the City sites Ms. Hidisyan reminded the Board that SCAG, per state law is required to begin anew with the baseline numbers for its income categories.

Rebuttal

Al Warot, City of Calimesa, addressed the baseline data and state that HCD has acknowledged that the census data itself was faulty and that it somewhat if not greatly underestimated the number of lower income households within the community. This was part of a study that was funded and accepted by HCD.

Hon. Edney asked if HCD provided this data to the DOF. Mr. Warot replied that he was not certain about HCD's policy as the studies were conducted. Hon. Edney stated that the City had not provided this survey as part of the application package and further stated that the burden of proof lies on the City.

Public Comment

There was no public comment.

A **MOTION** was made by the Hon. Charles White to accept staffs recommendation to deny the appeal request for the City of Calimesa. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.2 City of Big Bear Lake

Appeal request to reduce draft RHNA allocation by 78% (383 units).

Sandra Molina, City of Big Bear Lake provided the Board with a brief explanation of the City's request for appeal. She stated that the City appealed their allocation based upon lack of capacity of water service due to a semi autonomous water Board, projected jobs-housing balance, and market demand for housing.

Staff Report

Ma'Ayn Johnson, SCAG, made reference to page 269 and page 270 of the City of Big Bear Lake's appeal request, the forth bullet point on page 270 indicates that the Department of Water and Power (DWP) for the city did have the discretion to raise the amount of units or new water meter connections per year.

Joanne Africa, SCAG, added that per page 269 of the City's appeal request, the Water Board does review its needs on an annual basis. The first bullet point was cited "In October of each year, the Board will review the water production/supplies and determine the number of connections that will be allocated for the following year using the table above." This resolution was passed in 2003 and the final bullet states that based on the formula in the table set above, effective November 2003 the Board authorized up to 6.5 connections for a total of 200 connections for the year November 1, 2003 through October 2004. This year there were 200 connections however the most recent Board decision on their annual connections is also attached as part of another resolution which is reflected on page 280.

Rebuttal

Ms. Molina stated that 2002-2003 is when the Board first began establishing water connections. Hon. Morehouse asked if the City concurred with Ms Africa's comments. Ms. Molina replied that she agreed and stated that this is reevaluated every year.

A **MOTION** was made by the Hon. Tim Jasper to accept staffs recommendation to deny the appeal request for the City of Big Bear Lake. The **MOTION** was **SECONDED** by the Hon. Charles White. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.3 City of San Dimas

Appeal request to reduce draft RHNA allocation by 92% (1,581 units).
The Chair acknowledged this item had been handled earlier in the day.

5.2.4 City of Diamond Bar

Appeal request to reduce draft RHNA allocation by 58% (631 units).

Nancy Fong, City of Diamond Bar, requested a reduction of the housing allocation from 1,081 units to 450 units resulting in a reduction of 621 units and approximately 58%. The appeal is based on the availability of land and the suitability of land for development. She went on to state that the City has approximately 13,174 acres and is at 74% build out and there are possibly 800 acres left which are constrained by slopes and landslide areas and pose a challenge for land development. The largest amount of land available or vacant is 720 acres. These 720 acres can not be developed because they are also subject to landslide and huge slopes with the landowner being the City of Industry. The City has no control over the landowner or as to when development will be done. The City has made several attempts to discuss this with the City of Industry and is repeatedly told not to ask for another year. The city believes that it will not be able to achieve the allocation of those units by 2014.

Staff Report

Pria Hidisyan, SCAG, stated that the City is requesting an appeal for a 58% reduction and in their application they noted two AB 2158 Factors for appeal. The first is availability of land and the other is the distribution of household growth assumed for the Regional Transportation Plan (RTP). Staff recommends denial of this appeal given that staff did not fail to consider the information previously submitted by the City of Diamond Bar regarding these same factors. The factors were used as a basis for reducing

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the City's housing need from the preliminary allocation to the draft allocation and also found that staff did not fail to acknowledge and integrate the information that was provided by the city. The City participated in the subregional workshops that we held in October and they also met with SCAG staff towards the end of November to discuss their preliminary allocation of 1,355 housing units. Ms. Hidisyan stated that a letter was received two weeks later requesting that the preliminary allocation of 1,355 be reduced to 1,094 based on the two AB 2158 Factors. SCAG analyzed the input and reduced the figure to 1,081 which was a 10% reduction and was lower than the suggested number.

Rebuttal

Reference was made by Hon. Edney to the letter from the City, page 306 of the City's appeals packet, which states that the City can provide 1,094 units within the RHNA cycle. Ms. Fong stated that the City was aware of the letter and appreciates SCAG's times to listen to their request. She stated once again that the City has no control over land ownership and no control on as to when the development will be done.

Public Comment

There was no public comment.

A **MOTION** was made by the Hon. Carl Morehouse to accept staffs recommendation to deny the appeal request for the City of Diamond Bar. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.5 City of Glendora

Appeal Request to reduce draft RHNA allocation to 16% (115 units).

David Chantarangsu, City of Glendora stated that the City's appeal was based on staff's failure to not evaluate all of the information that was provided. This methodology was based on a Transportation Analysis Zone (TAZ) which the City participated in at the October 2006 workshop. He also mentioned that SCAG reported that they were looking at the report on a City-wide basis. The City feels that this approach has some merit for the Board's consideration. In example, the information that was provided to staff included a 2002 Recommended Hillside Strategy study within the appeal. This study was not directly addressed within staffs report. Staff indicated that steep slopes did not go far enough in our appeal. The City has about 7,000 acres of open space within its planning area which is comprised of about 16,000 acres. As a planning rule, land

over 35% slope is generally not acceptable for development and the slope areas that were identified in the hillside study range from 25 to 50 percent.

Staff Report

Ma'Ayn Johnson, SCAG, reported that SCAG staff did not look at the hillside restrictions for the city however in the report provided there is no percentage of hillside slope. There is no documentation as to the actual restrictions for the low density. Also, some TAZs are zoned for 20,000 square foot residential lots. According to the AB 2158 Factors, SCAG can not consider current zoning laws in determining the housing allocation numbers. For clarification, SCAG can not break down housing allocation by TAZ. Ms. Johnson stated that the map provided at the workshop did have TAZ but everyone was told to disregard this and look at the City as a whole. Unfortunately, without significant documentation about the hillside areas SCAG staff could not do guess work on these hillside areas.

Ms. Harris, SCAG, added that the RHNA methodology was applied to the forecast work and did have a factor for hillside and slopes over a certain percentage. She stated that Ms. Johnson was referring to the lack of information provided by the City that would cause staff to reevaluate those hillside areas.

Rebuttal

Mr. Chantarangsu asked the Board to refer to page 312 of the appeal request form that was submitted. On page 312, item 1 on the list of supporting documentation is the Recommended Hillside Strategy. The City attempted to summarize this for SCAG staff and the information was sufficiently provided.

Hon. Edney recommended the City be allowed to provide the strategy report to the Board for review and postpone the hearing until the end of the appeals scheduled for the day.

Public Comment

There was no public comment.

A **MOTION** was made by Hon. Charles White to postpone action on this appeal to the end of the day in order to allow staff time to analyze and respond as to whether or not this would have an impact on the allocation number. The **MOTION** was **SECONDED** by the Hon. Paul Nowatka and **UNANIMOUSLY APPROVED**.

5.2.6 County of Riverside

Appeal request to reduce draft RHNA allocation by 6.7% (3,732 units).

Bill Gayk, Riverside County Transportation and Land Management Agency, stated that the reason for the County's appeal is due to the inclusion of about 3,700 units that are designated for growth on tribal lands. Mr. Gayk stated that tribal land is sovereign land. The County has

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appealed on a methodological issue because it was inadvertently included in the determination of unincorporated Riverside County's RHNA allocation. Mr. Gayk provided maps illustrating the tribal lands throughout the County which notes that much of this tribal land growth is expected to occur in the Coachella Valley which is covered by the CVAOG and part of it is also in the WRCOG area. Mr. Gayk stated that the difficulty with this issue is how to deal with it since SCAG recognizes that it is sovereign land, it is the County's sense that this item needs to be addressed.

Michael Harrod, Riverside County Planning, stated that according to the staff report, the County is recommending that a local jurisdiction such as Riverside County address the issue in the housing element law review process citing Government Code Section 65584.07 Reduction of County Share of Regional Housing Needs. The County believes that the tribes are an important part of the region and need to be included in this process and recommend that the 3,700 units be removed.

Hon. Edney stated that the opportunity under the appeal is if staff didn't follow the methodology approved by the regional council. The issue is whether staff followed the methodology not whether you are questioning the methodology. Ms. Harris added that from SCAG's stand point this issue is rooted in the requirements as the state agency responsible for implementing state housing law. SCAG used and included tribal populations and tribal housing in the forecast as is its responsibility for the region under the RTP. Staff has included tribal populations, housing, and employment and all of the other inter-relationships in the forecast. Ms. Harris also stated that exemption of the tribal nation population from RHNA was not a decision that could be made at the SCAG level.

Rebuttal

Mr. Gayk stated that by dealing with tribal lands, the County will be the jurisdiction responsible for dealing with these tribal lands and will need to plan for growth that is anticipated on tribal land.

Public Comments

There was no public comment.

Hon. Edney empathized with the County's situation however SCAG has no legal basis over the problem. The Hon. Charles White asked attorney Jeff Marguiles if the Board could change the appeal request to a revision request. Attorney Marguiles stated this option was not available to the Board. Hon. Edney went on to discuss the differences in appeals versus revisions and in a few of the previous cases the Board has allowed the consideration of other factors regarding the AB 2158 Factors. There is an AB 2158 Factor that talks about lands protected from urban development under existing federal or state programs, unavailability of land. With the advice of Counsel, because the 2158 factors are also bases for appeal,

Hon. Edney allowed, with unanimous consent from the Board, the County additional time to make this argument under the AB 2158 Factor.

A **MOTION** was made by Hon. Charles White to allow the County to present additional evidence on their appeal under AB 2158 Factors and to delay action on this appeal until the end of the day. Motion was **SECONDED** by Hon. Carl Morehouse and **UNANIMOUSLY APPROVED**.

5.2.7 City of Corona

Appeal request seeking an adjustment to the income category distribution of the draft RHNA to reduce their fair share of affordable housing.

Terri Manuel, City of Corona presented its appeal based on affordability for high housing costs in the AB2158 Factors stating that attainment of the allocation would take a significant amount of subsidy. Regarding the total numbers, most of the RHNA numbers assigned to the City are pretty close to its build out numbers through 2025. The City is amenable to housing of all affordability levels and is currently participating in transit oriented development. The City is looking at maximizing its redevelopment areas and in its general plan build out has the capacity to provide a number of higher density units at all affordable levels. Ms. Manuel stated that the City is uncertain if it can meet the designated numbers within the planning period.

At the October workshop there were important changes made to the land use maps and Ms. Manuel stated she was not afforded the ability to check to make sure that these important changes were made. She felt it was not made clear that there was an opportunity for further communication with SCAG staff.

Staff Report

Elizabeth Delgado, SCAG, recommended that the Board deny and mentioned that the city does not request a proposed alternative to the allocation total but does request recognition for the City's RHNA allocation reduction for the very low, low, and moderate income. In the staff report, staff provided that there is no provision within the statute or methodology to adjust the jurisdictions income category distributions based on the amount of public subsidy that may be required to construct housing units. This does not require a jurisdiction to build or produce its allocation but to plan for it.

Rebuttal

Ms. Manuel restated that the numbers are unattainable in the planning period.

Public Comments

There was no public comment.

A **MOTION** was made by the Hon. Gil Coerper to accept staffs recommendation to deny the appeal request for the City of Diamond Bar. The **MOTION** was **SECONDED** by the Hon. Charles White. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.13 City of La Cañada Flintridge

Continuation of appeal from April 27, 2007 seeking to reduce draft RHNA allocation

Hearing was postponed pending materials for review.

Staff Report

Lynn Harris, SCAG, presented a report dated April 25, 2007 to the Board. She provided the Board with background information regarding the appeal. After further discussion the Board had previously decided to discuss with the applicant only the AB 2158 sewer factor. At that time, the applicant indicated that they were interested in an alternative request based on sewer to reduce their numbers from 233 to 155. Direction was given to continue the public hearing in order to allow them sufficient time to gather substantiated documents.

Mr. Marguiles, Legal Counsel, stated that the issues before the Board were regarding the septic tanks the regional water quality control Board. The question is where the Regional Water Quality Control Board had imposed limitations on additional septic tanks being put in that would constitute a control due to state or federal regulations that are outside of the control of the City of La Cañada Flintridge. As well as the question of there being additional sewer discharge allowed if they were to build out this area that was under consideration.

Applicant Explanation

Robert Stanley, City of La Cañada Flintridge stated that they are looking at the sewer capacity as it states in the government code. These decisions are being made by a sewer provider other than the City. The other half is that is precludes the City from providing the necessary infrastructure for additional development during the planning period. Mr. Stanley provided the Board with a map of the City divided by sewer service areas as well as a letter from Crescenta Valley Water District stating that their Board must approve its use of their facility and that an agreement was reached to reduce this to 155 units. The agreement allows the City to install additional units if they go through an analysis or engineering process

which would take it beyond the planning period. That is if construction were to begin today. The second page includes an email from Dave Brunns stating that he is not able to provide the City with a letter similar to that provided by Crescenta Valley Water District. The following attachment is from Wildan who are the consultants for the City and are assisting in the sewer systems including a time table if everything goes as planned. The City is reviewing two systems; a low pressure system and a one-hundred percent gravity fed system.

Hon. Edney was not certain that the letter from WD rises to statute. It appeared to Hon. Edney that while it may be difficult there is a way. Secondly, it appears that the state water quality Board is a state agency and may have some bearing on the statute as far as the state agency limiting the scope to areas 4 and 5 of the map provided.

Mr. Margulies, Legal Counsel, noted that the key issue is whether this control precludes the development. The information provided does not show that there has been a preclusion of development due to sewer or septic tank regulations. Another point is that the Board is dealing with an appeal and the appeal standard is if staff failed to consider information and if the new information is something that was not considered by staff before. Mr. Margulies noted that the information appeared similar to what was previously submitted.

Rebuttal

Mr. Stanley referred to Item A, and stated that it does state that it precludes the jurisdiction from providing the necessary infrastructure for additional development during the planning period. The City demonstrated this in the letter and when looking at the septic system issues that the City is having it will have a big problem getting any more units approved.

Hon. Edney, notice that in reviewing the schedule this problem only applies to areas 4 and 5. Hon. Edney asked if there was a break down or an analysis of how many units apply to each area. Ms. Harris stated that staff does not have that information.

Public Comment

There was no public comment.

Hon. Morehouse stated that the original appeal did not indicate any specific numbers and asked if staff offered the 155 as a constructive base to begin on the constraint areas. Hon. Edney mentioned that he would like to see data as to where the 78 units are located. Mr. Stanley mentioned that they are in areas 3a and 3b.

Hon. Morehouse stated that following the Chairs reasoning he too is having concerns with the justification. Hon. Morehouse stated that he was not one-hundred percent convinced and did not support the motion.

Hon. Jasper asked if areas 1, 2, 3b, 4 and 5 are infill lots. Mr. Stanley replied that they are currently built out and if the City wanted to do additional units it would have to subdivide additional property. He also stated that regarding areas 1, 2, and 3b - 1 and 2 are sewerred and area 3b is still under construction.

A **MOTION** was made by the Hon. Paul Nowatka to not approve staffs report and to partially approve an appeal request in the total amount of 78 units for an allocation of 155 units for the City of La Cañada Flintridge. The **MOTION** was **SECONDED** by the Hon. Charles White. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – No
San Bernardino County – No
Riverside County – Yes
Orange County – No
Los Angeles County – Yes
Imperial County – No

MOTION FAILS: 4 TO 2

A **MOTION** was made by the Hon. Gil Coerper to approve staffs report and to deny the appeal request for the City of La Cañada Flintridge. The **MOTION** was **SECONDED** by the Hon. Tim Jasper. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – No
Imperial County – Yes

MOTION PASSES: 5 TO 1

5.2.8 City of Canyon Lake

Appeal request seeking an adjustment to the income category distribution of the draft RHNA in order to reduce their fair share of affordable housing.

Mary Craton, City of Canyon Lake, addressed the Board and stated that the City's is very small and was developed as a private community for retirement and recreation. The City is entirely gated and is controlled by a property owners association and has two full time employees operating on

a two million dollar budget. The City also has CC&R's which severely limit what can be built behind the gates.

Lori Moss, City Manager, discussed the RHNA numbers which are three times greater than that of 1999. There are only 300 vacant single family lots left of the 4000 total in the City and has not experienced much change in population.

Ms. Moss referred to page 401, paragraph 3 of the staff report stating that there is no ability to cluster lots and build multi family housing. Also, paragraph 4, page 401 states "the potential for increased residential development under alternative zoning ordinances and land use restrictions," Ms. Moss also questioned the final paragraph on page 401 which does not include items number 2 and 3.

Staff Report

Elizabeth Delgado, SCAG, reported that the City of Canyon Lake did not request a change in reduction of their total allocation. The City only requested a reduction in their very low and low income categories. The appeal is based on three AB 2158 Factors: (1) the availability of land suitable for urban development, (2) lands protected from urban development under existing federal or state programs, and (3) high housing cost burdens. The City points to the CC&Rs requiring single family homes in almost all of the areas for the availability of land and a high housing cost burden but did not provide evidence from the CC&Rs which does not preclude the city from planning for all income categories. Secondly, the city stated that lands protected from urban development under federal and state programs. BLM lands were incorporated and accounted for in the initial stages of the forecast as other open space and protected areas were throughout the region.

Ms. Africa, SCAG, addressed Ms. Moss' question regarding the citation on page 401 where Items 2 and 3 are omitted. Ms. Africa stated that the references are for the four objectives of the regional housing needs objectives and are cited because they are the ones that are pertinent with respect to providing affordable housing.

Rebuttal

No rebuttal was given.

Public Comment

There was no public comment.

Hon. Edney stated that unfortunately the factors that were raised by the City are out of the purview of the Board.

The **MOTION** was made by the Hon. Tim Jasper to accept staff's report and deny the appeal for the City of Canyon Lake. The **MOTION** was **SECONDED** by the Hon. Paul Nowatka. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.9 City of Beaumont

Appeal request seeking an adjustment to the City's income category distribution to reduce their fair share of affordable housing.

Rebecca Posalski, City of Beaumont stated that she did not see a problem with the overall numbers because of the many developments that are already entitled and maps have been recorded. The City has almost 50% set aside for open space and the core City has a few infill lots as well as a small amount of high density designations.

Staff Report

Pria Hidisyan, SCAG, reported on the City of Beaumont's appeal request and stated that the City does not propose any change to its total allocation but rather a 25% reduction in the City's income category distribution for the low and very low income categories. The basis for this appeal is the AB 2158 Factor for lands preserved or protected from urban development under existing federal or state programs for open space, farm land, and environmental habitat. The City contends that its ability to provide very low and low income housing is impeded due to 45.9% of its land being protected from development. SCAG recommends denial of this request because SCAG did not fail to consider the information previously submitted by the City of Beaumont. Moreover, the allocation of housing needs by income category was uniformly applied based on the adopted and approved RHNA allocation methodology. The city did participate in the sub-regional workshop that was held on October 30th and provided input regarding AB 2158 Factors including areas identified as habitat conservation land that was off limits to development. Staff incorporated this input into the allocation figure. The information provided by the City was also reviewed. The city failed to provide staff with any connection as to why these areas are a basis for a 25% reduction in the income categories.

Public Comment

There was no public comment.

The **MOTION** was made by the Hon. Gil Coerper to accept staff's report and deny the City of Beaumont's appeal request. The **MOTION** was **SECONDED** by the Hon. Carl Morehouse. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.10 City of Murrieta

Appeal request to reduce draft RHNA allocation between 20 – 30% (4,373 to 4,999 units).

Mary Lanier, City of Murrieta mentioned that the City's decision to appeal the RHNA numbers was based on the City's objection to senate bill 12 limiting local jurisdictions to only one appeal. However the city does realize and recognize its responsibility not to just meet the needs of the next housing element but is also concerned about the quality of life and safe neighborhoods for all income levels. The areas that the City is appealing are based on AB 2158 Factors including the jobs-housing balance in the area. The City's permits are significantly low at about 250 anticipated for this year for single family units. The City worked with SCAG staff during the process and revised its numbers.

Ms. Lanier added that in reviewing past housing elements the City found that quite a bit of assistance was needed in order to provide the low and moderate income housing. The City's main concern is the jobs-housing balance and the ability to provide affordable housing at these numbers.

Staff Report

Mark Butala, SCAG, said that the City was unable to participate in the growth forecast workshop however via a letter they did submit some significant comments. One of those comments was to urge SCAG to consider their input to Riverside County projections and to ensure that staff is consistent with the projections adopted by WRCOG. Based on this letter, the City was granted an original reduction from 9,739 units to 6,248 units a 36% reduction.

Public Comment

There was no public comment.

The **MOTION** was made by the Hon. Carl Morehouse to accept staff's report and deny the City of Murrieta's appeal request. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.11 City of Colton

Appeal request to reduce draft RHNA allocation by 69% (2,548 units).

There were no representatives from the City present. The Chair moved the City of Colton to the end of the agenda and asked staff to contact them.

5.2.12 City of Rialto

Appeal request to reduce draft RHNA allocation by 9% (388 units).

Board member Tim Jasper recused himself from the City of Rialto proceedings because of a potential conflict of interest. Alternate Larry McCallon participated. John Dutrey presented the appeal for the City of Rialto and stated that the City was requesting its appeal based on RHNA methodology and the AB 2158 Factors.

Staff Report

Staff report was waived per Hon. Edney.

Rebuttal

Mr. Dutrey waved his rebuttal.

A **MOTION** was made by Hon. Charles White to accept staffs report and deny the appeal request for the City of Rialto because it is not within the purview of the Board to change the RHNA methodology. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.5 City of Glendora

Appeal Request to reduce draft RHNA allocation to 16% (115 units).
Repeat Agenda Item

The Chair recognized Mr. Chantarangsu, City of Glendora, who provided the Board with copies of the Recommended Hillside Strategy report referred to in the morning session.

Mr. Chantarangsu stated that SCAG had miscalculated its allocation and that it failed to consider the preservation of 600 units as well as 2,500 acres of land for preservation. In addition to the hillside issue, the City would be presented with a hardship given its limited water supply. If the City was to build out the units it would be capped out on its water supply and would then need to purchase additional water from the San Gabriel Valley Municipal Water District.

Staff Report

Ma'Ayn Johnson, SCAG, addressed the Board and stated that staff had received and reviewed the strategy report that was provided and recommended that the Board deny the City's appeal.

Public Comment

There was no public comment.

Hon. Coerper asked what the City currently paid for an acre foot of water. Mr. Chantarangsu stated that it paid one hundred and twenty dollars for pumped water and four hundred dollars for water that it purchased from the San Gabriel Valley Municipal Water District. He also added that the City is about fifteen-and-a-half square miles which is approximately sixteen thousand acres and contains seven thousand acres of open space with about four thousand acres of single family residences. There is less than one percent of undeveloped land within the City.

Hon. Jasper asked if there was a zero scope landscape ordinance. Mr. Chantarangsu stated that there was and also said that the hillsides within the City were owned by private land owners.

Mr. Marguiles, Legal Counsel, reminded the Board that although the City's water rights were capped the decisions may affect the City but do not preclude them from buying water. Hon. Edney added that the cost of water for the City is not an issue and that although it presents a hardship, the City is able to provide water.

A **MOTION** was made by Hon. Gil Coerper to accept staffs report and deny the appeal request for the City of Glendora. The **MOTION** was **SECONDED** by the Hon. Tim Jasper. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

5.2.6 County of Riverside

Appeal request to reduce draft RHNA allocation by 6.7% (3,732 units).
Repeat Agenda Item

Staff Report

Lynn Harris, SCAG, addressed the Board, summarizing the morning's continuance to this time and the AB 2158 Factors the Board had agreed to consider as a part of the County of Riverside's appeal. These include, availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities.

Bill Gayk, County of Riverside, gave a brief presentation on the AB 2158 Factors. He went on to say he was present in a meeting with the Agua Caliente tribe who specifically said that they did not want the County to include any of its affordable housing needs on their land. There are agreements to facilitate the planning process but in terms of setting the land use policy, this remains hands off.

Public Comment

There was no public comment.

Hon. Edney stated that the issue regarding tribal lands is difficult and is not something that has been clearly articulated throughout the state. This is very unfortunate and there has been much dialogue between SCAG and HCD regarding this issue. Unfortunately, this does not apply to the AB 2158 Factors.

Mr. Marguiles, Legal Counsel, stated that since this is an appeal and not a revision, the burden is on the appellant to demonstrate that staff failed to consider information. Hon. Edney stated that while there is concern about the units, the jurisdiction has not demonstrated verification that there is no other alternative zoning, capable land, underutilized land to fit these units in.

Hon. Coerper asked what would happen to these additional units if the request was granted. Hon. Edney replied that the units would be automatically reallocated based on the percentage of the allocation. For example, if a jurisdiction represents one percent of the total allocation, then any additional units would be reallocated to every city that is within the purview of the Board.

Mr. Marguiles reminded the Board that SCAG will do the reallocation and not the Board. The Board is to grant, deny, or partially grant an appeal. The procedure is limited and the Board should base their decision on what is presented and what the law has allowed for.

The **MOTION** was made by the Hon. Charles White to accept staff's report and deny the County of Riverside's appeal request. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

7.0 STAFF REPORT

Staff informed the Chair they were still trying to contact the City of Colton. The Chair then asked for the staff report.

Lynn Harris, SCAG, brought to the attention of the Board an approved revision request for the City of La Verne whereby they were granted fifty units revision contingent upon submitting the final documentation to the satisfaction of City staff and the attorney. Staff has been in contact with City staff and is expecting to receive this information. What was not done is that the Board did not provide the City of La Verne a deadline for submittal. Ms. Harris recommended that the Board direct staff to contact the city of La Verne and provide them with a deadline of 5pm on Wednesday May 2nd and if no reply is given then the Board would revert back to the denial.

The **MOTION** was made by the Hon. White to approve and allow SCAG staff to proceed with contacting the City of La Verne. The **MOTION** was **SECONDED** by the Hon. Gil Coerper and **UNANIMOUSLY** approved.

The second item brought forth by Ms. Harris was related to the appeal granted previously for the County of Los Angeles for 804 units that were reduced based on the testimony and the confirmation relative to the status of annexations in the County with the City of Santa Clarita.

Mr. Marguiles, Legal Counsel addressed Ms. Harris' comments and recalled that the Board had discussed the fact that the statute provides that the Board has final action on an appeal that may impact the allocation of a party that was not party to the appeal. The question being raised is if some or all of the units be allocated to the City of Santa Clarita based on the County's determination that this is where they came from. Mr. Marguiles added that there were a few issues that the Board should consider and decide on. In the absence of any action by the Board the 804 units will go back into the pool and be reallocated to all jurisdictions. The Board could take action to allocate some or all of

these units to the City of Santa Clarita pursuant to the procedure and AB 2158. If this Board chooses to reallocate those units to the City of Santa Clarita it can direct staff to come up with a number that staff believes fits what its required to do under AB 2158.

Hon. Edney stated that the idea is that staff has already granted the appeal in regards to those units and are part of the total allocation at this point and that it would be best to consider a motion to allow staff to determine the appropriate allocation that goes back to the City of Santa Clarita with the appropriate factors considered.

Ms. Harris stated that the City of Santa Clarita in the draft RHNA plan has been assigned a housing needs number of 9,515 and the reallocation is based proportionately on the number of units granted by the percentage of units already assigned to a city. The reallocation of the full appeals will be going back to the City and unincorporated county and the City of Long Beach because it is the second largest city. Ms. Harris added that it is staffs recommendation that the Board allow the appealed units to stay in the final total to be reallocated based on both the due process issue and on the high standard for transparency. Staff did not have a chance to notify the city this issue would be discussed today.

A **MOTION** was made by Hon. Paul Nowatka to authorize staff to meet with officials of Santa Clarita to see if an accommodation can be reached regarding the 804 units removed from the allocation of Los Angeles County.

Legal counsel addressed the Chair to discuss if this was a proper motion. Hon. Edney stated that if an accommodation can not be worked out, staff would be authorized to include the units in the reallocation process.

Hon. White asked why staff needed direction when the process includes direction.

Discussion ensued about the viability of such an approach.

A substitute Motion was made by Hon. Charles White to follow the process has been outlined in the policy, not contact the City of Santa Clarita and reallocate all units. The **MOTION** was **SECONDED** by the Hon. Gil Coerper. **A ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – No
Imperial County – Yes

5.2.11 City of Colton

Appeal request to reduce draft RHNA allocation by 69% (2,548 units).

David Zamora, City of Colton participated via teleconference. Hon. Jasper withdrew himself and Hon. McCallon will be acting on his behalf as the alternate.

Mr. Zamora, City of Colton stated that he did not have anything additional comments. Hon. Edney explained the appeals process and introduced Board members. Legal counsel added that the public notice posting for the Riverside room is sufficient because everyone who needs to be present for the meeting is in the room. None of the participants or Board members are appearing by telephone. The Board is accommodating the City of Colton by providing them with a phone line.

Staff Report

Mark Butala, SCAG stated the City of Colton is requesting an appeal of its draft RHNA allocation from its original 3,673 units to 1,125 units a 69% reduction. They base their appeal on both RHNA methodology and three AB 2158 Factors: (1) availability of lands suitable for urban development, (2) lands preserved or protected from urban development under existing federal or state programs, and (3) the market demand for housing. The City of Colton did participate in the Sub-regional Integrated Growth Forecast Workshop and on November 7th provided input based on both AB 2158 Factors and the RHNA methodology. As a result of this input, SCAG granted the City a reduction of its draft RHNA allocation of 25% to 3,673 units. Nothing that the city submitted in their appeal request was found relevant to grant an additional reduction.

Rebuttal

Mr. Zamora had no additional comment.

Public Comment

There were no public comments.

After further discussion, a **MOTION** was made by the Hon. Larry McCallon to accept staffs recommendation to deny the appeal request for the City of Colton. The **MOTION** was **SECONDED** by the Hon. Charles White. A **ROLL-CALL VOTE WAS TAKEN AND RECORDED AS FOLLOWS:**

Ventura County – Yes
San Bernardino County – Yes
Riverside County – Yes
Orange County – Yes
Los Angeles County – Yes
Imperial County – Yes

Regional Housing Needs Assessment Appeals Board Minutes
April 30, 2007

6.0 CHAIR'S REPORT

There was no report.

7.0 STAFF REPORT

The report was made earlier in the meeting.

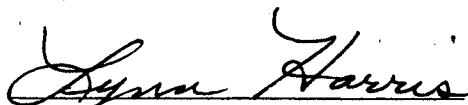
8.0 FUTURE AGENDA ITEMS

The next meeting is scheduled for Thursday May 3, 2007 at 10:00 AM.

9.0 ADJOURNMENT

Hon. Edney adjourned the hearing at 5:11 PM.

Minutes Approved By:


Lynn Harris, Manager
Community Development